

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ROBERT COX,

Plaintiff,

-against-

17 **CIVIL** 8193 (PMH)

JUDGMENT

THE CITY OF NEW ROCHELLE, et al.,

Defendants.

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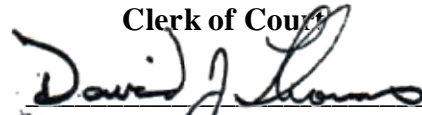
It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum Opinion and Order dated September 28, 2020, The Court GRANTS Defendants' Motions. Additionally, Plaintiff cannot be given an opportunity to file a Third Amended Complaint, as any amendment to a complaint would be futile. Accordingly, leave to replead is denied. *Chunn v. Amtrak*, 916 F.3d 204, 208 (2d Cir. 2019). Plaintiff's § 1983 claims are time-barred and therefore any amendment would be futile. Furthermore, Plaintiff has already been given multiple opportunities to amend his pleading, including his conspiracy claim, and has not cured the identified pleading deficiencies. Separately, where a plaintiff has been given notice of deficiencies in his pleading and has "failed to take advantage of his opportunities to cure or attempt to cure them," leave to replead is likewise properly denied. *Elgalad v. New York City Dep't of Educ.*, No. 17-CV-4849, 2019 WL 4805669, at *10 (S.D.N.Y. Sept. 30, 2019). Finally, as to the Unserved Defendants, while Rule 4(m) permits a court to dismiss claims against unserved defendants without prejudice where, as here, "[t]he same grounds for dismissal of the [served Defendants] . . . warrant[s] dismissal of the [SAC] as to the Unserved Defendants" dismissal with prejudice is appropriate. *Cartwright v. D'Alleva*, No. 17-CV-5953, 2018 WL 9343524, at *9 (S.D.N.Y. Aug. 27, 2018), *aff'd*, 782 F. App'x 77 (2d Cir. 2019). Thus, the Court dismisses Plaintiff's claims with prejudice; accordingly, this case is closed.

Dated: New York, New York
September 30, 2020

RUBY J. KRAJICK

Clerk of Court

BY:


Deputy Clerk